

GOVERNMENT OF ANDHRA PRADESH  
**ABSTRACT**

Cinemas-M/s Sri Gopalakrishna Theatre, Anakapalli, Visakhapatnam District- Appeal Petition against the proceedings of the Joint Collector and Licensing Authority, Visakhapatnam, for suspending the licence of the Theatre-Penalty of Rs.10,000/- imposed on the Theatre in lieu of revocation of suspension of Licence-Orders-Issued.

HOME (GENERAL.A) DEPARTMENT

**G.O.Ms.No. 120**

**Dated: 24-02-2009.**  
**Read the following:**

- 1.) Appeal Petition filed by Sri M.Narasimha Rao, S/o Rajaiah, M/s Sri Gopalakrishna Theatre, Anakapalli, Visakhapatnam District, dated 18.06.2008.
- 2.) Received from the H.C.A.P., Hyderabad, in W.P.No. 714/ 2008, filed by Sri M.Narasimha Rao, S/o Rajaiah, M/s Sri Gopalakrishna Theatre Anakapalli Theatre, Visakhapatnam District, dated 13.07.2008.
- 3.) Govt.Memo No. 19284/Genl.A/A2/2008-2, dated 24.07.2008.
- 4.) Govt.Memo No. 19284/Genl.A/A2/2008-4, dated 10.10.2008.
- 5.) From the District Collector and Licensing Authority, Visakhapatnam, Lr. No. (M) Rc. No.917/ 2002/ C1, dated 15.11.2008.

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**ORDER:**

In the reference 1<sup>st</sup> read above, Sri M.Narasimha Rao, S/o Rajaiah, M/s Sri Gopalakrishna Theatre, Anakapalli, Visakhapatnam District, has filed an appeal petition before the Appellant Authority against the orders of the Joint Collector and Licensing Authority, Visakhapatnam, for suspending the licence of M/s Sri Gopalakrishna Theatre, Anakapalli, Visakhapatnam District.

2. Keeping in view of the orders of the Hon'ble High Court of Andhra Pradesh, Hyderabad, in the reference 2<sup>nd</sup> read above, Government in the references 3<sup>rd</sup> & 4<sup>th</sup> have called for the detailed report/remarks along with relevant records from the District Collector, Visakhapatnam.

3. The District Collector and Licensing Authority, Visakhapatnam, in the reference 5<sup>th</sup> read above, has furnished report and records to Government, and stated that the Management of Sri Gopalakrishna Theatre had filed an appeal petition before the Government and the Government have rejected the appeal petition in G.O.Rt.No. 1012, Home (General.A) Department, dated 26.07.2003, conforming the orders of the Joint Collector passed in Rc.No.917/2002/C1, dated 4.1.2003. The Management of the said Theatre has again filed W.P.M.P.No. 21896/2003, in W.P.No. 17597, of 2003, praying the High Court to suspend the orders of the Government.

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The Hon'ble High Court of Andhra Pradesh, Hyderabad, issued interim suspension of the orders issued by the Government in W.P.M.P.No. 21896/2003, in W.P.No.17597 of 2003. In view of interim orders of the Hon'ble High Court, the Management of Sri Gopala Krishna Theatre, Anakapalli, was permitted to screen the Cinematography Films in the Theatre. It was ascertained from the Tahsildar, Anakapalli, that the B-Form license of the Theatre is renewed up to 31.03.2009.

4. Further, the Joint Collector, Visakhapatnam, has stated that even while the matter is pending before the Hon'ble High Court of Andhra Pradesh, Hyderabad, the Management of GopalaKrishna Theatre, Anakapalli has again involved in the same offence causing much annoyance to the general public and spoiling the minds of youngsters by exhibiting the blue films in the Theatre. It is proved beyond doubt that the Management is habituated in committing the above offence as per the past history.

5. As reported by the Superintendent of Police, Visakhapatnam, in his letter No. 1580/C-2/VSP/08, dated 17-05-2008, the Management of Sri GopalaKrishna Theatre, Anakapalli town, has violated condition No.12 (12) of B-Form Licence and exhibited obscene pictures. The report of the Superintendent of Police, Visakhapatnam, reveals that obscene films have been exhibited in the Theatre on 7-5-2008. Therefore, the Theatre Management has willfully violated the condition 12 (12) of B-Form licence. In view of the above and in exercises of the power conferred under section 10 2 (b) of Andhra Pradesh Cinemas (Regulation) Act 1955, the B-From licence granted to Sri GopalKrishna theatre, Anakapalli, was suspended vide his proceedings in (M) R.C.No.917/2002/C1, dated 12.06.2008, until further orders. Aggrieved by the above order, the Management of Sri Gopalakrishna Picture Palace filed an appeal before the Government on 18-06-2008, and thereafter filed WP No. 13807/2008, which was dismissed by the Hon'ble High Court of Andhra Pradesh at the admission stage itself. The Management also filed a Writ Appeal 714/2008, which was also disposed by the Hon'ble High Court of Andhra Pradesh.

6. The Counsel for the Appellant have stated that the 1<sup>st</sup> respondent i.e the Joint Collector, Visakhapatnam District, erred in law in suspending the license of the petitioner on the ground that even earlier cases have been registered against the appellant and another case been registered. The Ist respondent herein failed to see that out of the earlier three cases that have been registered, two cases have been ended in acquittal and mere registration of a case was not a ground for suspending the licence that has been granted. The Ist respondent ought to have seen that the appellant herein was exhibiting the film as supplied by the Distributor and for the said film the censor certificate has already been granted and the same has been displayed without any interpolations and ought to have dropped further proceedings. The 1<sup>st</sup> respondent herein ought to have seen that the report of the Superintendent of Police, Visakhapatnam, cannot be a basis for revoking or

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suspending the license as the report is a matter to be decided by competent criminal court and the contents have to be proved by the police in the court of law. The 1<sup>st</sup> respondent ought to have seen that the registration of the criminal case cannot be a ground to hold that the appellant has violated the conditions of the licence. The 1<sup>st</sup> respondent ought to have seen that once the earlier cases that have been registered against the appellant have ended in acquittal, the same cannot be taken in to consideration for passing of the impugned suspension order. It is submitted that the order of the 1<sup>st</sup> respondent is vitiated on the ground that the 1<sup>st</sup> respondent has not taken in to consideration the acquittal in the criminal cases. The 1<sup>st</sup> respondent ought to have seen that the appellant herein has not violated the conditions of licence and ought to have dropped further proceedings in the matter. The reasons of the 1<sup>st</sup> respondent for passing the impugned order is not legal and correct.

In this connection, the petitioner Sri M. Narasiga Rao, S/o Rajaiah, Manager of M/s Sri Gopalakrishna Theatre, Anakapalli, Visakhapatnam District, has requested the Government to set aside the orders of the Joint Collector and Licensing Authority passed in (M) R.C.No.917/2002/C1, dated 12.06.2008, and to direct to issue B-Form Licence to Sri Gopalakrishna Theatre, Anakapalli, Visakhapatnam District.

6. An opportunity of hearing was given to the Management of M/s Sri Gopalakrishna Theatre, Anakapalli, Visakhapatnam District, to hear in person on 5.01.2009. They reiterated the same grounds which was submitted in their appeal petition and requested the Appellate Authority to pass such other appropriate orders as are deemed fit and proper in the interest of justice, as early as possible.

7. Government after careful examination of the issue based on the material furnished by the Joint Collector and Licensing Authority, Visakhapatnam District, and pleadings of the Management during hearing on 05.01.2009, felt that the Theatre Management has violated certain conditions of Form-B Licence of the Andhra Pradesh Cinemas (Regulation) Rules, 1970.

8. Government in exercise of the powers conferred under Section 10 (4) of Andhra Pradesh Cinemas (Regulation) Act, 1955, decided to modify the punishment of suspending the licence of M/s Sri Gopalakrishna Theatre, Anakapalli, Visakhapatnam District, while disposing the appeal filed by the Management into imposing a fine of Rs. 10,000/- (Rupees Ten Thousands only) to the Management of the Theatre, as they have violated the conditions 12 (12), of Form – B Licence of the Andhra Pradesh Cinemas (Regulation) Rules, 1970.

9. The District Collector and Licensing Authority, Visakhapatnam, is directed to take necessary action on receipt of application of the Management along with remittance of the fine amount of Rs. 10,000/- to Government Account and intimate the action taken to Government.

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10. The Records of the District Collector and Licensing Authority, Visakhapatnam, are returned herewith and receipt of the same may be acknowledged immediately.

11. copy of this order is available on Internet and can be accessed at address <http://www.ap.gov.in/goir>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL,  
PRINCIPAL SECRETARY TO GOVERNMENT.

To  
The District Collector & Licensing Authority,  
Visakhapatnam (w.e.)  
The Joint Collector, Visakhapatnam District.  
Copy to Sri M. Narasaiah, S/o Rajaiah,  
Manager, Sri Gopalakrishna Theatre,  
Anakapalli, Visakhapatnam District.  
Copy to the P.S. to M (Cinematography)  
Copy to the P.S. to Principal Secretary, Home Department.  
SF/SCs.

//FORWARDED BY ORDER //

SECTION OFFICER